



10/ 679142

PATENT

cjc

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Kim Suzanne Bent
Patent No. : 6,814,579
Issued : November 9, 2004
For : METHOD FOR EDUCATING CHILDREN
Attorney's Docket : BENT-101AX

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: ATTN: Certificates of Correction, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 5-3-6.

By: 

Charles L. Gagnebin, III
Registration No. 25,467
Attorney of Record

LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
ATTN: Certificates of Correction

Sir:

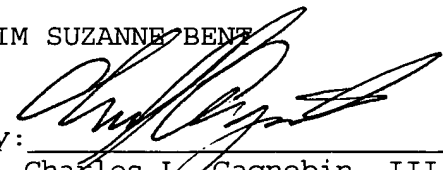
Certificate
MAY 09 2006
of Correction

Enclosed are two completed copies of Form PTO 1050. It is requested that a Certificate of Correction be issued to correct the mistakes of the Patent Office in the printing of the above-identified patent.

In order for timely expedition of this request, also enclosed is a copy of the Notice of Allowance with the attached Examiner's Amendment dated July 27, 2004.

Respectfully submitted,

KIM SUZANNE BENT

By: 

Charles L. Gagnebin, III
Registration No. 25,467
Attorney of Record

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335461

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MAY 9 2006

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO : 6,814,579
DATED : November 9, 2004
INVENTOR(S) : Kim Suzanne Bent

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

Front page, Abstract (57), line 10, "subject. area." should read --subject area.--;

Front page, Abstract (57), line 11, "areas to the topics" should read --areas to fully address the topics--; and

Column 4, line 38, "uniform and having," should read --uniform color applied thereto and having a name associated therewith,--.

MAILING ADDRESS OF SENDER:

Weingarten, Schurgin, Gagnebin & Lebovici LLP
Ten Post Office Square
Boston, Massachusetts 02109

PATENT NO. 6,814,579

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BENT-101AX

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NOTICE OF ALLOWANCE AND FEE(S) DUE

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LLP
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BOSTON, MA 02109



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JUL 30 2004

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEOVICI LLP

EXAMINER

FERNSTROM, KURT

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 07/27/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,142	10/03/2003	Kim Suzanne Bent	BENT-101AX	3637

TITLE OF INVENTION: METHOD FOR EDUCATING CHILDREN

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965	10/27/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

MAY 9 2006

Notice of Allowability

Application No.

10/679,142

Examiner

Kurt Fernstrom

Applicant(s)

KIM SUZANNE BENT

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on May 17, 2004.
2. ☒ The allowed claim(s) is/are 19-36.
3. ☒ The drawings filed on 03 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Charles Gagnebin on July 22, 2004.

The application has been amended as follows:

- ✓ The abstract has been deleted and replaced with the attached abstract.
- ✓ In claim 19, line 3, between "color applied thereto" and "a name associated therewith", "with" has been deleted and replaced with --and having--.
- ✓ In claim 19, line 7, "with-in" has been deleted and replaced with --within--.
- ✓ In claim 20, line 1, --comprises providing-- has been inserted between "providing a vehicle" and "a dome shaped vehicle".
- ✓ In claim 30, line 2, "is" has been deleted and replaced with --as--.
- ✓ In claim 31, line 2, "is" has been deleted and replaced with --as--.
- ✓ In claim 32, line 2, "is" has been deleted and replaced with --as--.
- ✓ In claim 33, line 2, "is" has been deleted and replaced with --as--.
- ✓ In claim 35, lines 2-3, "site of instruction" has been deleted and replaced with --instruction site--.

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The following is an examiner's statement of reasons for allowance: The claims are considered to be allowable under 35 USC 101. The claims had been previously rejected on the grounds that there was no advancement of the technological arts. However, after further review, it is evident that the claims do meet this standard. There is positive recitation of a concrete apparatus. In particular, a vehicle, an instructor's clothing and teaching materials are all provided with a certain color to reinforce associations in a student's mind. These steps do not merely manipulate abstract ideas, but provide a tangible apparatus having defined characteristics.

Further consideration of 35 USC 101 is necessary. In particular, *State Street* (previously cited) holds that a claimed invention, to be patentable, must involve a practical application in the technological arts, and must have a useful, concrete and tangible result. While the claimed involves a tangible apparatus, as discussed above, the **result** of the invention must meet all three standards. In this case, the invention is a method of teaching children. That is, it must be determined whether the claimed method actually results in teaching a student something in a useful, concrete and tangible way. The proper standard for such a determination is not whether a given student is guaranteed to learn from the method; rather, it must be determined whether the teaching method has a reasonable likelihood of success. After reviewing the record, it is apparent that the method does have such a reasonable likelihood of success. It is well known to use color association in teaching methods, to enhance connections during learning. Acosta, Rai, Goldman, Berman, Tarvin and numerous other references disclose the use of color association in teaching methods, to enhance learning. It is well

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established that such color associations are helpful in teaching methods. It is also apparent, from reviewing the applicant's website, that the invention has had at least some degree of commercial success. With all of this in mind, it is determined that the invention involves a practical application in the technological arts, has a useful, concrete and tangible result, and is patentable subject matter under 25 USC 101.

The claimed invention is also patentable over the prior art. While various teaching methods using color association are known, and mobile classrooms and the like are known, there is no motivation or suggestion to combine the two concepts to create the claimed invention. In particular, there is no motivation or suggestion to provide a vehicle having a certain color, transport an instructor wearing an identical color to an instruction site and provide teaching materials having the same color, which are then used by the instructor to teach the students. As a result, the claims are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Acosta, Berman, Tarvin and Hengel disclose teaching methods which use color association. Connely discloses a mobile classroom.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Fernstrom whose telephone number is (703) 305-0303. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KF
July 22, 2004

Kurt Fernstrom
7/22/04
Kurt Fernstrom

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MAY 9 2006



ABSTRACT

The method uses vehicles as mascots for different subject areas. Each vehicle is named after a subject area and is decorated. The vehicles serve as a means to generate enthusiasm for the subject areas. Each car has its own color combination corresponding to a given subject. Each subject area has an instructor that is knowledgeable in that subject. The instructors wear clothing colored to match the color of the vehicle named after the subject area that he/she teaches. The instructors teach the pre-planned lessons on a topic in a subject area. The pre-planned lessons also incorporate supporting information from other subject areas to fully address the topics. The instructors drive the vehicles to sites of instruction where students are located to perform a pre-planned lesson on a topic. The sites of instruction have or utilize concepts that will be used in the pre-planned lesson. In the presentation of the lesson, an instructor uses teaching materials colored to match the color of the vehicle that he/she drives.

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